

REMARKS

Claims 1-46 were previously pending in this patent application. Claims 1-46 stand rejected. Herein, Claims 1, 10, 12, 21, 24, 25, 26, and 36 have been amended. Accordingly, after this Amendment and Response After Final Action, Claims 1-46 remain pending in this patent application. Further examination and reconsideration in view of the claim amendments and arguments set forth below is respectfully requested.

35 U.S.C. Section 112, Second Paragraph, Rejections

Claims 10 and 24-28 are rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states that Claims 10 and 24-28 improperly combine an "apparatus" claim with a "process for making a product" claim.

It is respectfully asserted that Claims 10 and 24-28 are apparatus claims. Herein, Claims 10, 24, 25, and 26 have been amended to clearly indicate Claims 10 and 24-28 are apparatus claims. Claims 10 and 24-28 include limitations directed to software, which is appropriate under the case In re Beauregard, 53 F. 3d 1583 (Fed. Cir. 1995). Moreover, Claims 10 and 24 state: "a memory device has computer-executable instructions therein for causing said processor to ...", as allowed under In re Beauregard. Additionally, Claims 25-28 are dependent on Claim 24, wherein Claims 25 and 26 have been amended to change the term "method" to the term "processor". Therefore, Claims 10 and 24-28 are definite and are in condition for allowance.

35 U.S.C. Section 102(e) Rejections

Claims 1-4, 10, 11, 21, 36-38, 40, and 41 stand rejected under 35 U.S.C. 102(e) as being anticipated by Martinez et al., U.S. Patent No. 6,137,468 (hereafter Martinez). These rejections are respectfully traversed.

Independent Claim 1 recites:

An electronic system **capable of being rotated with respect to a line of sight of a user** and further having a first display mode, a second display mode, and a third display mode, said electronic system comprising:

- a processor coupled to a bus;
- a memory device coupled to said bus;
- a communication port coupled to said bus, **wherein each display mode depends on a position of said communication port relative to said line of sight of said user, wherein said position facilitates communication with a second electronic system** via said communication port;

- one or more display mode controls for selectively operating said electronic system in one of said first, said second, and said third display modes, wherein a first display orientation corresponds to said first display mode, a second display orientation corresponds to said second display mode, and a third display orientation corresponds to said third display mode; and

- an electronic display device coupled to said bus, wherein said electronic display device is configured for displaying visual data in a display orientation corresponding to a selected display mode of said electronic system, **wherein each display orientation compensates for rotation of said electronic system, and wherein said rotation with respect to said line of sight occurs such that said rotation avoids crossing a fixed plane.** (emphasis added)

It is respectfully asserted that Martinez does not disclose the present invention as recited in Independent Claim 1. In particular, Martinez is directed to a computer system (e.g., laptop computer 300) having a display device.

[Martinez; Figure 3; Col. 4, lines 17-26]. The orientation of the laptop system 300 is determined relative to fixed plane 302 having an X axis and a Y axis. Id. Rotating laptop 300 around the Y axis along arrow 304 results in a change in orientation in the X value while rotating laptop 300 around the X axis along arrow 306 results in a change in orientation also referred as "attitude" along the Y Value. Id. Changes in "attitude" are rotations relative to a fixed plane (i.e., plane 302). Id. Additionally, while Figures 4A, 5A, and 6A depict the laptop 300 positioned on a fixed plane (e.g., 302), Figures 4B-4D, 5B-5C, and 6B-6C show the laptop 300 at different positions, wherein each position crosses the fixed plane (e.g., 302). For example, Figure 5A shows the laptop 300 in landscape mode on a fixed plane (e.g., 302) while Figures 5B-5C show the laptop 300 in portrait mode. Movement between landscape mode and portrait mode requires crossing the fixed plane (e.g., 302).

Additionally, Martinez is directed to adjusting visual components on a display device so that the components are level regardless of the position of the display device. [Martinez; Figures 4B-4D, 5B-5C, and 6B-6C; Col. 4, lines 41-43]. That is, when the laptop 300 is tilted by crossing the fixed plane (e.g., 302), the visual components of the display device are adjusted to compensate for the tilting. Furthermore, Martinez discloses a tilt determination block 700 at Figure 7. Also, at Figure 8, Martinez depicts a method showing tilt Blocks (e.g., 804, 808, and 812). Continuing, at Figure 9, Martinez depicts a method showing tilt Blocks (e.g., 904, 908, and 912). Finally, at Figure 10, Martinez depicts a method showing tilt Blocks (e.g., 1004, 1006, 1012, and 1018).

Martinez does not disclose an electronic system rotated with respect to the line of sight of the user such that the rotation avoids crossing a fixed plane, wherein its display device displays visual data according to a display orientation that compensates for rotation of the electronic system electronic system.

Unlike Martinez, Independent Claim 1 is directed to an electronic system capable of being rotated with respect to a line of sight of a user. The electronic system has a display device configured for displaying visual data in a display orientation corresponding to a selected display mode. Each display orientation compensates for rotation of the electronic system. Moreover, rotation of the electronic system with respect to the line of sight occurs such that the rotation avoids crossing a fixed plane. While Martinez is directed to a laptop tilted to cross a fixed plane and adjustment of its display device based on the tilting, Independent Claim 1 is directed to an electronic system rotated with respect to the line of sight of the user such that the rotation avoids crossing a fixed plane, wherein its display device displays visual data according to a display orientation that compensates for rotation of the electronic system. Therefore, it is respectfully submitted that Independent Claim 1 is not anticipated by Martinez and is in condition for allowance.

Dependent Claims 2-4 are dependent on allowable Independent Claim 1, which is allowable over Martinez. Hence, it is respectfully submitted that Dependent Claims 2-4 are patentable over Martinez for the reasons discussed above.

With respect to Independent Claims 10, 21, and 36, it is respectfully submitted that Independent Claims 10, 21, and 36 recites similar limitations as in Independent Claim 1. In particular, the electronic system of Independent Claims 10, 21, and 36 is rotated with respect to the line of sight of the user such that the rotation avoids crossing a fixed plane, wherein its display device displays visual data according to a display orientation that compensates for rotation of the electronic system. Therefore, Independent Claims 10, 21, and 36 are allowable over Martinez for reasons discussed in connection with Independent Claim 1.

Dependent Claims 11, 37-38, 40, and 41 are dependent on allowable Independent Claims 10, 21, and 36, which are allowable over Martinez. Hence, it is respectfully submitted that Dependent Claims 11, 37-38, 40, and 41 are patentable over Martinez for the reasons discussed above.

35 U.S.C. Section 103(a) Rejections

Claims 5-9, 12-20, 22, 23-35, 39, and 42-46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al., U.S. Patent No. 6,137,468 (hereafter Martinez), and further in view of Kang et al., U.S. Patent No. 5,949,408 (hereafter Kang). These rejections are respectfully traversed.

Dependent Claims 5-9, 12-20, 22, 23-35, 39, and 42-46 are dependent on allowable Independent Claims 1, 10, 21, and 36, which are allowable over Martinez. Moreover, Kang does not disclose an electronic system that is rotated with respect to the line of sight of the user such that the rotation avoids crossing a fixed plane, wherein its display device displays visual data according to a display orientation that compensates for rotation of the electronic system. On the contrary, Kang shows a handheld computer device in Figure 1 in landscape mode on a fixed plane while in Figure 2 the handheld computer device is in portrait mode. Movement between landscape mode and portrait mode requires crossing the fixed plane. Hence, it is respectfully submitted that Dependent Claims 5-9, 12-20, 22, 23-35, 39, and 42-46 are patentable over Martinez and Kang for the reasons discussed above.

CONCLUSION

It is respectfully submitted that the above amendments and remarks overcome all rejections. For at least the above-presented reasons, it is respectfully submitted that all remaining claims (Claims 1-46) are now in condition for allowance.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 23-0085.

Respectfully submitted,

WAGNER, MURABITO & HAO, LLP

Dated: _____

4/8/2004

Jose S. Garcia

Jose S. Garcia
Registration No. 43,628

Two North Market Street, Third Floor
San Jose, CA 95113
(408) 938-9060